

**HOGAN & HARTSON**  
**L.L.P.**

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June 26, 1998

COLUMBIA SQUARE  
555 THIRTEENTH STREET, NW  
WASHINGTON, DC 20004-1109  
TEL (202) 637-5600  
FAX (202) 637-5910

Ms. Magalie R. Salas, Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

RECEIVED

JUN 26 1998

**Re: Ex Parte; PR Docket No. 92-235**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY


Dear Ms. Salas:

This is to provide notice that the undersigned of Hogan & Hartson has filed the attached letters in the private radio "refarming" proceeding, PR Docket No. 92-235. Copies of the letters were sent to FCC Chairman William E. Kennard and FCC Commissioners Susan Ness, Harold Furchtgott-Roth, Michael K. Powell, and Gloria Tristani.

Sixteen AAA clubs wrote the FCC to emphasize AAA's public safety efforts area in each local area and their reliance on two-way radio frequencies in emergency situations. The attached letters are from AAA Akron Auto Club, AAA Arizona, AAA Central-West Jersey, AAA Cincinnati, AAA Hoosier Motor Club, AAA Hudson Valley, AAA Jamestown, AAA Merrimack Valley, AAA New Jersey Automobile Club, AAA North Jersey, AAA Automobile Club of New York, AAA Ohio Motorists Association, AAA Rochester, AAA Oregon/Idaho, AAA St. Louis, and AAA West Penn/West Virginia.

An original and one copy of this filing are being provided. Please do not hesitate to call should you have any questions regarding this filing.

Sincerely,

  
Michele C. Farquhar

Enclosures

cc: Ira Keltz (w/enclos.)  
Josh Roland (w/enclos.)  
D'Wana Terry (w/enclos.)  
Laura Smith (w/enclos.)  
Herbert Zeiler (w/enclos.)

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\*Affiliated Office



## Akron Auto Club

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JUN 26 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE CHAIRMAN

June 23, 1998

111 West Center Street  
Akron, Ohio 44308

Tel 330/762-0631  
Fax 330/762-5965

The Honorable William E. Kennard  
Chairman  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Dear Chairman Kennard:

I am writing to concur with comments you have already received from AAA Headquarters and club CEO's concerning the FCC's Second Report and Order of February 20, 1997, which placed the Automobile Emergency Radio Service (AERS) frequencies in the newly created Industrial/Business (I/B) pool.

I am the president/CEO of one of 18 AAA Clubs in the state of Ohio. We are responsible for providing AAA services in just 1 of Ohio's 88 counties. Our area is Summit County in the state's most populous northeast corner. Our club membership is 102,000 motorists and, we dispatch Emergency Road Service vehicles an average of 78,000 times per year. During extreme weather conditions we respond up to 1,500 calls per day! I must point out this is in just one Ohio county.

Crucial to this process is our ability to dispatch Emergency Road Service calls to our 48 radio equipped vehicles using AAA's clear AERS frequencies.

The need to be able to do this quickly and, quite frankly urgently, is far greater than marketing ploys and member sales promotions. Approximately thirty percent of our calls involve true personal and community safety issues. We routinely get calls for members stranded in the traffic lanes of an interstate highway. [Portions of I76, I77, I271, I277, I80 and I480 all pass through our county.] We receive calls for cars locked up with the motor running, children locked in the car and various persons trying to get to hospitals.

Furthermore, northeast Ohio can incur some extremely severe and life-threatening winter weather. It is fairly common for actual temperatures to reach 10 to 15 degrees below zero with wind chill factors from 70 and 100 degrees below zero. People stranded in such weather must be reached as fast and safely as possible.

In our Emergency Road Service Dispatch Office, we have direct local private telephone lines to the larger law enforcement agencies. Police departments throughout the county call us several times a day on behalf of a member in need of our help.

### OFFICERS

Patricia A. Kempf	Chairman of the Board
Mark T. Clark	Vice Chairman
Randolph Baxter	Vice Chairman
Richard J. Duffy	President
P. David Shanafelt	Treasurer
Brian W. Thomas	Vice President
Gail A. Lee	Secretary-Assistant Treasurer

### TRUSTEES

Joseph M. Leyden	Randolph Baxter	W. W. Scull-Emeritus
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Edward G. Kemp	Emil A. Voelz	E. H. Strobel-Emeritus
Joseph M. Clapp	Mark T. Clark	Fredrick S. Myers-Emeritus
Roger T. Read	Gregory R. Bean	

The vast majority of these calls are for vehicles blocking traffic or are along one of the above mentioned Interstate Highways. We must be able to immediately dispatch these calls for the good of the member and, quite frankly, the public at large.

Conversely, our service trucks frequently come across traffic crashes and "radio" us to call for needed ambulances and police. Upon occasion we have used our AAA Garages and radio equipped club owned vehicles to search for missing children, take food to snowed in families with children and transport medical personnell to hospitals.

These are not extreme cases. They are examples of regular work-a-day life at AAA Clubs throughout the United States.

We are, without overstatement or hyperbole, the "911" of the emergency road service industry.

On behalf of the AAA Akron Auto Club and the communities throughout Summit County, Ohio that we serve, I implore you to reconsider your decision in this vital matter and maintain AAA's clear radio frequencies.

Respectfully,

THE AAA AKRON AUTO CLUB



Richard J. Duffy  
President/CEO

cc FCC Commissioners



---

**Member Services • Travel Agency • Insurance Agency • Financial Services**

May 26, 1998

The Honorable William E. Kennard  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

RECEIVED  
AAA

JUN 01 1998

OFFICE OF  
THE PRESIDENT

Dear Chairman Kennard:

I am writing to reinforce AAA's concern over the Federal Communications Commission's Second Report and Order of February 20, 1997, which placed the Automobile Emergency Radio Service (AERS) frequencies in the newly created Industrial/Business (I/B) pool.

As AAA's FCC filings demonstrate, placement of the auto emergency frequencies in the I/B pool, without any coordination protection, is and will continue to be extremely detrimental to AAA's provision of emergency road service. AAA has proposed a very simple solution that will help ensure roadside emergencies continue to be attended to without having any adverse effect on private radio spectrum allocation and use.

In its petition for reconsideration, AAA has proposed that the auto emergency frequencies be given the same quasi-public safety treatment as railroads, petroleum and utilities, whereby other coordinators would be required to request the use of a frequency before assigning it to a non-auto emergency use. The auto emergency frequency coordinator could then ensure the assignment would not cause interference with existing emergency uses.

AAA Arizona responds to more than 407,000 calls per year. Thirty-six percent (146,524) of those calls are true emergencies presenting danger to life or property: a breakdown on the freeway, being locked out or stranded in a dangerous part of town or in a deserted area, clearing accidents from congested highways and streets. Clear channels are required to dispatch these emergency calls. If the auto emergency frequencies are subject to sudden and unanticipated interference from a new assignment, AAA can't respond to roadway emergencies quickly and efficiently. The number of auto emergency frequencies that encounter interference from other users will increase substantially as frequency coordinators become more familiar with the new I/B system and begin to make an increasing number of random assignments.

Granting the automobile emergency frequencies the same "quasi-public safety" status as railroads, petroleum and utilities will not deprive any entity of the use of additional spectrum. It simply will recognize that automobile emergencies are a safety concern so that the frequencies used to dispatch emergency roadside service will not be assigned if they will cause interference to the incumbent user.

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FOR ALL MEMBER SERVICES, CALL: Phoenix Area (602) 274-1116 • Tucson Area (520) 885-0694 • Other Areas (800) 352-5382 • FAX (602) 277-1194

PHOENIX  
3144 North 7th Avenue

MESA  
262 East University Drive

PARADISE VALLEY  
4046 East Greenway Road

PEORIA  
7380 West Olive Avenue

SCOTTSDALE  
701 North Scottsdale Road

SUN CITIES  
13940 W. Meeker Boulevard, Suite #141

TUCSON EAST  
8204 East Broadway

TUCSON WEST  
6950 North Oracle Road

YUMA  
1045 South 4th Avenue

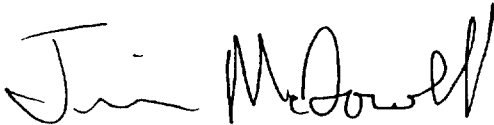
ADMINISTRATIVE OFFICE • 3144 North 7th Avenue • P.O. BOX 33119 • Phoenix, AZ 85067-3119

The Honorable William E. Kennard  
May 26, 1998  
Page 2

AAA Arizona believes that we have five specific reasons AAA's petition should be granted: (1) time is critical to emergency road service functions; (2) increasing interference and coordination problems have occurred under the current system; (3) emergency road service meets all the "quasi-public safety" characteristics cited by the FCC for railroads, power and petroleum companies; (4) there will be a minimal impact on other radio frequency assignments; and (5) AAA emergency road service has already been recognized as a vital public safety service by Congress and many public safety entities.

AAA Arizona appreciates your consideration of these views and respectfully requests that the FCC grant AAA's petition for reconsideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim McDowell". The signature is fluid and cursive, with the first name "Jim" and last name "McDowell" clearly distinguishable.

Jim McDowell  
Chief Executive Officer  
(602) 650-2777  
FAX: (602) 266-1736

JM:kb

bcc: Bob Darbelnet ✓



**Central-West  
Jersey**

Donald R. Gagnon  
President/CEO

Corporate Headquarters  
3 AAA Drive  
Hamilton, NJ 08691-1898  
Tel: 609/890-2220  
Fax: 609/890-1596

June 5, 1998

The Honorable William E. Kennard  
Federal Communications Commission  
1919 M. Street, N.W.  
Washington, D.C. 20554

Dear Commissioner Kennard:

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AAA Central-West Jersey services 700,000 members and dispatches over 400,000 road service calls annually. Over 100,000 of those calls are true emergencies presenting danger to life or property: a breakdown on the freeway, being locked out or stranded in a dangerous part of town or in a deserted area, clearing accidents from congested highways and streets. Clear channels are required to dispatch these emergency calls. In fact, AAA Clubs in New Jersey have established a dedicated State Police 800 number to quickly respond to these emergencies. In 1997, we received several thousand emergency calls from the NJ State police. If the auto emergency

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The Honorable William E. Kennard

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AAA appreciates your consideration of these views and respectfully requests that the FCC grant AAA's petition for reconsideration.

Sincerely,



Donald R. Gagnon  
President/CEO

cc: Robert L. Darbelnet - AAA President/CEO





## Central-West Jersey

Donald R. Gagnon  
President/CEO

Corporate Headquarters  
3 AAA Drive  
Hamilton, NJ 08691-1898  
Tel: 609/890-2220  
Fax: 609/890-1596

June 5, 1998

The Honorable Gloria Tristani  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

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AAA

JUN 11 1998

OFFICE OF  
THE PRESIDENT

Dear Commissioner Tristani:

I am writing to reinforce AAA's concern over the Federal Communications Commission's Second Report and Order of February 20, 1997, which placed the Automobile Emergency Radio Service (AERS) frequencies in the newly created Industrial/Business (I/B) pool.

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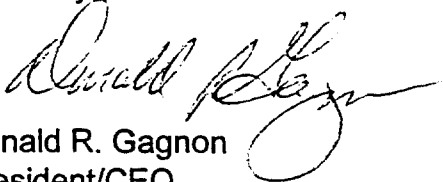
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AAA appreciates your consideration of these views and respectfully requests that the FCC grant AAA's petition for reconsideration.

Sincerely,



Donald R. Gagnon  
President/CEO

cc: Robert L. Darbelnet - AAA President/CEO





**Central-West  
Jersey**

Donald R. Gagnon  
President/CEO

Corporate Headquarters  
3 AAA Drive  
Hamilton, NJ 08691-1898  
Tel: 609/890-2220  
Fax: 609/890-1596

June 5, 1998

The Honorable Michael K. Powell  
Federal Communications Commission  
1919 M. Street, N.W.  
Washington, D.C. 20554

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Sincerely,



Donald R. Gagnon  
President/CEO

cc: Robert L. Darbelnet - AAA President/CEO





## Central-West Jersey

Donald R. Gagnon  
President/CEO

Corporate Headquarters  
3 AAA Drive  
Hamilton, NJ 08691-1898  
Tel: 609/890-2220  
Fax: 609/890-1596

June 5, 1998

The Honorable Susan Ness  
Federal Communications Commission  
1919 M. Street, N.W.  
Washington, D.C. 20554

Dear Commissioner Ness:

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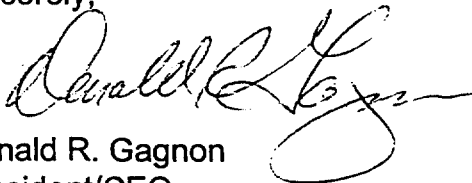
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Donald R. Gagnon  
President/CEO

cc: Robert L. Darbelnet - AAA President/CEO





## Central-West Jersey

Donald R. Gagnon  
President/CEO

Corporate Headquarters  
3 AAA Drive  
Hamilton, NJ 08691-1898  
Tel: 609/890-2220  
Fax: 609/890-1596

June 5, 1998

The Honorable Harold W. Furchtgott-Roth  
Federal Communications Commission  
1919 M. Street, N.W.  
Washington, D.C. 20554

Dear Commissioner Furchtgott-Roth:

I am writing to reinforce AAA's concern over the Federal Communications Commission's Second Report and Order of February 20, 1997, which placed the Automobile Emergency Radio Service (AERS) frequencies in the newly created Industrial/Business (I/B) pool.

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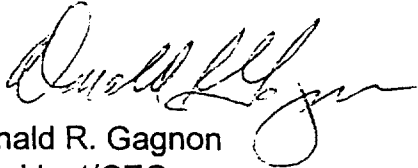
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Sincerely,



Donald R. Gagnon  
President/CEO

cc: Robert L. Darbelnet - AAA President/CEO





James L. Pease, III  
President & CEO

15 West Central Parkway  
Cincinnati, OH 45202  
Tel 513/762-3126  
Fax 513/762-3282  
jlpease@aaacincinnati.com

June 2, 1998

The Honorable William E. Kennard  
Federal Communications Commission  
1919 M. Street, N.W.  
Washington, D.C. 20554

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AAA

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OFFICE OF  
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AAA Cincinnati responds to more than 250,000 calls per year. Thirty percent (75,000) of those calls are true emergencies presenting danger to life or property: a breakdown on the freeway, being locked out or stranded in a dangerous part of town or in a deserted area, clearing accidents from congested highways and streets. Clear channels are required to dispatch these emergency calls. If the auto emergency frequencies are subject to sudden and unanticipated interference from a new assignment, AAA can't respond to roadway emergencies quickly and efficiently. The number of auto emergency frequencies that encounter interference from other users will increase substantially as frequency coordinators become more familiar with the new I/B system and begin to make an increasing number of random assignments.



The Honorable William E. Kennard

June 2, 1998

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AAA appreciates your consideration of these views and respectfully requests that the FCC grant AAA's petition for reconsideration.

Sincerely,

A handwritten signature in black ink that reads "James L. Pease, III". The signature is written in a cursive style with a large initial "J" and a stylized "III" at the end.

James L. Pease, III  
President & CEO

JLP:mcm

bcc: R.L. Darbelnet



James L. Pease, III  
President & CEO

15 West Central Parkway  
Cincinnati, OH 45202  
Tel 513/762-3126  
Fax 513/762-3282  
jlpease@aaacincinnati.com

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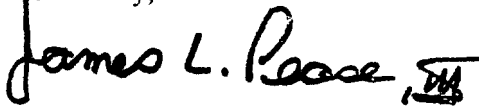
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James L. Pease, III  
President & CEO

JLP:mcm

bcc: R.L. Darbelnet



James L. Pease, III  
President & CEO

15 West Central Parkway  
Cincinnati, OH 45202  
Tel 513/762-3126  
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jlpease@aaacincinnati.com

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Washington, D.C. 20554

Dear Commissioner Powell:

I am writing to reinforce AAA's concern over the Federal Communications Commission's Second Report and Order of February 20, 1997, which place the Automobile Emergency Radio Service (AERS) frequencies in the newly created Industrial/Business (I/B) pool.

As AAA's FCC filings demonstrate, placement of the auto emergency frequencies in the I/B pool, without any coordination protection, is and will continue to be extremely detrimental to AAA's provision of emergency road service. AAA has proposed a very simple solution that will help ensure roadside emergencies continue to be attended to without having any adverse effect on private radio spectrum allocation and use.

In its petition for reconsider, AAA has proposed that the auto emergency frequencies be given the same quasi-public safety treatment as railroads, petroleum, and utilities, whereby other coordinators would be required to request the use of a frequency before assigning it to a non-auto emergency use. The auto emergency frequency coordinator could then ensure the assignment would not cause interference with existing emergency uses.

AAA Cincinnati responds to more than 250,000 calls per year. Thirty percent (75,000) of those calls are true emergencies presenting danger to life or property: a breakdown on the freeway, being locked out or stranded in a dangerous part of town or in a deserted area, clearing accidents from congested highways and streets. Clear channels are required to dispatch these emergency calls. If the auto emergency frequencies are subject to sudden and unanticipated interference from a new assignment, AAA can't respond to roadway emergencies quickly and efficiently. The number of auto emergency frequencies that encounter interference from other users will increase substantially as frequency coordinators become more familiar with the new I/B system and begin to make an increasing number of random assignments.

The Honorable Michael K. Powell

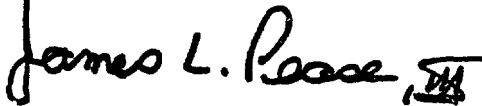
June 2, 1998

Page 2

Granting the automobile emergency frequencies the same "quasi-public safety" status as railroads, petroleum, and utilities will not deprive any entity of the use of additional spectrum. It simply will recognize that automobile emergencies are a safety concern so that the frequencies used to dispatch emergency roadside service will not be assigned if they will cause interference to the incumbent user.

AAA appreciates your consideration of these views and respectfully requests that the FCC grant AAA's petition for reconsideration.

Sincerely,

A handwritten signature in black ink that reads "James L. Pease, III". The signature is written in a cursive style with a large initial "J" and a stylized "P".

James L. Pease, III  
President & CEO

JLP:mcm

bcc: R.L. Darbelnet



James L. Pease, III  
President & CEO

15 West Central Parkway  
Cincinnati, OH 45202  
Tel 513/762-3126  
Fax 513/762-3282  
jlpease@aaacincinnati.com

June 2, 1998

The Honorable Harold W. Furchtgott-Roth  
Federal Communications Commission  
1919 M. Street, N.W.  
Washington, D.C. 20554

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AAA

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OFFICE OF  
THE PRESIDENT

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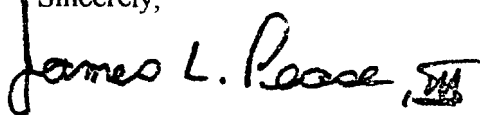
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James L. Pease, III  
President & CEO

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President & CEO

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Cincinnati, OH 45202  
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jlpease@aaacincinnati.com

June 2, 1998

The Honorable Gloria Tristani  
Federal Communications Commission  
1919 M. Street, N.W.  
Washington, D.C. 20554

Dear Commissioner Tristani:

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The Honorable Gloria Tristani

June 2, 1998

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